

REMARKS

Claim Rejections – 35 USC § 112

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following excerpts from claims 1 and 8 are indefinite: "said first person and said second person compete with each other professionally" (claim 1 lines 7-8) and "so that members in said networking groups do not compete with each other in business" (claim 8 lines 6-7).

Applicant has removed the language that the Examiner believes to be unclear.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd (US 20020194049A1) in view of Romano ("Meet me in Cyberspace", *Association Management*, September 1998).

Boyd teaches (independent claim 1) a method for providing online networking groups, the method comprising: registering three or more users by asking them to store information in *user profile database 213* (para. [0064] and [0085-0086]), which reads on entering a profile and a second profile (and a third profile) into a computer database, and creating a networking group (all three or more users/members) contained within said computer database; and a first user forming and posting an invitation to a networking meeting to two or more other users ([0049 and 0024]) , the *selection preferences and criteria*)¹,

moving said second profile into a second database (*invitation database 211*) is said second profile and said second profile contain same professions and same areas of practice (*intellectual property attorneys*), and creating a network group (the invited members) contained within said second database (*invitation database 211*).

According to the Examiner, Boyd teaches creating a database wherein within that database the same professions and same areas of practice are placed in the same database, i.e., intellectual property attorneys. Claim 1 specifically states that a second database is created if a profession and area of practice are duplicated in the first database. Therefore, this goes against the teaching of Boyd.

Boyd does not teach networking/meeting online. Romano teaches networking/meeting online (Abstract). Because Romano teaches that this enables networking when members lack the opportunity to interact face-to-face (Abstract), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of Romano to those of Boyd.

Neither reference teaches that said first person and said person compete with each other. That is, neither reference teaches that said first person and said person are put in different networking groups when they compete with each other. Because it would be counterproductive to be put competitors into a single networking group, it would have been obvious to one of ordinary skill in the art,

at the time of the invention, to add to the teachings of Boyd and Romano that competitors be placed in different networking groups.

The Examiner states that it would be counterproductive to put competitors into a single networking group. However, Boyd specifically teaches making a group which contains the same professions and same areas of practice such as intellectual property attorneys. There are many networking groups out there today which are created out of the same profession. There are networking groups that are only for doctors, only for lawyers or only for certain other professions. such as the ones taught by Boyd. However, the current invention teaches away from these types of networking groups and looks to create networking groups when only a single profession is represented in a networking group along with other different professions. Although the Examiner states that the above networking groups are counterproductive many of these groups exist today and in fact the Examiner has pointed to no reasoning why these groups cannot and do not exist.

As stated previously, Applicant pointed to specific examples that Boyd has shown that the same profession network together.

In fact, applicant claims three criteria for separating persons into different groups: "moving said second profile into a second database if said profile and said second profile (1) contain same professions and (2) same areas of practice, and (3) said first person and said second person compete with each other professionally". (Claim 1, lines 6-8, numbers in parentheses added.) As has

been noted above (para. 2-7), there is no definition for "compete" given in the spec. Rather, applicant is presuming that people in "the same profession" and "the same area of practice" are in competition. Yet the examiner has given a hypothetical case where this is not true (para. 7 above).

Applicant has removed the language regarding "compete" and therefore, the criteria for separating persons into different groups comprises whether they contain the same professions and same areas of practice.

The rejection logic is straightforward: it is obvious to separate people according to their interests. Applicant has attempted to simplify this into three criteria, but the three criteria are subjective and not internally consistent. (People in the "same professions" and "same areas of practice" may or may not be in competition; see para. 7 above.)

Applicant has removed this subjective criteria from the claim regarding competition and the other criteria therefore is straightforward and is not taught by either of the prior art references.

Applicant also argues,

"Some networking groups allow competitive professions within a networking group and such is taught by Boyd. Therefore, separating competitive professionals cannot be obvious in the prior art." (Fourth para. From the top of p. 8.)

Applicant misrepresents the reference. It is acknowledged (para. 12 above) that Boyd teaches the two profiles containing people with the "same

professions and same areas of practice”. Boyd neither teaches nor suggests that these people are in competition.

Boyd does teach putting persons having the same professions and the same areas of practice in the same group. Therefore, Boyd teaches against the current claims.

Boyd also teaches at the citations given above claim 2 (where the invitation reads on a referral). Boyd also teaches claims 5 ([**0073**]) and 7 ([**0065-0066**]).

For the reasons stated above, Boyd does not teach claims 2, 5 and 7.

Neither reference teaches (claims 3 and 4) rewards or positive incentives commensurate with the number of invitations/referrals provided by a user. However, Boyd does teach negative incentives for a user who does not make invitations or violate invitation rules ([**0053, 0073-0075 and 0111**]). Because the system would work only if user make as well as honor invitations, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of Boyd rewards or positive incentives commensurate with the number of invitations/referrals provided by a user.

The fact that Boyd teaches negative incentives for a user who does not make invitations, the opposite is not true that Boyd teaches or makes obvious to reward a user who provides referrals. In fact Boyd does not teach referrals at all. Therefore, there is no teaching to provide a positive incentive for referrals.

Neither reference teaches (claim 6) communicating online via video/audio conferencing. However, Boyd does teach a system with video monitors and cameras ([**0094** and **0101**]). Because Boyd teaches that the purpose of the reference invention is to make the best use of a user's time ([**0006**]), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add meeting by video/audio conferencing to the teachings of Boyd and Romano.

Since there is no teaching at the time of the invention for networking online and creating network groups for online networking, it could not have been obvious to those of skill in reading Boyd to use video/audio conferences. Boyd in fact teaches in face meetings and therefore teaches the use of video or audio conferencing. Therefore, claim 6 is not anticipated or obvious over the prior art.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd (US 20020194049A1) in view of Romano ("Meet me in Cyberspace", *Association Management*, September 1998), for the reasons given above in para. 12 and 13. the limitation "so that members in said networking groups do not compete with each other in business" was not given patentable weight because it does not structurally limit the invention. To be patentable, apparatus or system inventions must be structurally distinguishable from the prior art (MPEP § 2114). The subject limitation adds no structure, so it cannot help make the claim 8 apparatus/system invention patentable.

For the reasons stated above for Claim 1, Claim 8 is not obvious over the prior art.

Applicant believes that the application is now in condition for allowance.

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August 20, 2007

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